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ORDER FOR SCHEDULING CONFERENCE

Based on a review of this case, the Court, pursuant to Rule 16

F.R.C.P., sua sponte enters the following Order.

The attorneys shall appear in Court at 9:00 a.m. on the 17th day of December, 2001, for a Scheduling Conference.

Prior to the conference, the parties shall:

A. Hold a meeting pursuant to Rule 26(f) F.R.C.P. At the meeting the attorneys shall prepare a detailed Discovery Plan/Scheduling Order to be submitted to the Court seven (7) days prior to the Rule 16 Conference. The Order should be in a form to be signed and entered by the Court, if approved. In preparing the Order the

parties shall include the following dates:

- 1. Bench Trial: Will be set at a later date**
 - 2. Submission of Final Pretrial Order following the format in Appendix D of the Local Court Rules which shall include and be in lieu of the disclosures required by Rule 26(a)(3) and submission of Proposed Findings of Fact & Conclusions of Law: May 28, 2002.**
 - 4. Last date to file dispositive motions or motions challenging expert witnesses: May 13, 2002;**
- B. Complete the Required Disclosure under Rule 26(a)(1), as modified by this Order, within sixty (60) days of this Order.**

Special Note

- 1. The scope of the disclosures in Rule 26(a)(1)(A-B) of "that the disclosing party may use to support its claims or defenses" is modified to read "relevant to the claims or defenses of any party." The parties are directed to Local Rule CV-26(d) "Relevant to the Claim or Defense," for assistance in determining what information meets this standard.**
- 2. The parties are required to provide as part of their disclosures a copy of the documents described in Rule 26(a)(1)(B), as modified by this Order. By written agreement the parties may agree to alternative methods of production, such as a description by category and location of the documents, exchange of documents in electronic format, or review and copy of disclosure materials at the offices of the parties or their attorneys.**
- 3. In light of the initial disclosure provisions above, requests**

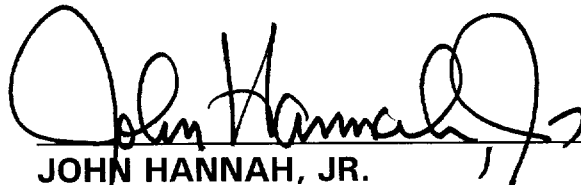
for production under Fed. R. Civ. P. 34 will not be allowed, and the parties are directed to conduct document discovery through the process of disclosures.

4. Documents produced by a party under disclosure requirements or any other method of discovery in this case are presumed to have satisfied the authentication requirements of Fed. R. Evid. 901 unless authenticity is challenged by the disclosing/producing party within twenty (20) days of disclosure/production.

- C. Depose at least one party on each side of the case prior to the Rule 16 hearing.
- D. Be prepared at the Conference to discuss the proposed Discovery Plan/Scheduling Order previously submitted to the Court and any matters mentioned in Rule 16(b-c) and 26(f) that are not included in the proposed Order. Be prepared at the Conference to argue any motions that have been filed twenty (20) days prior to the Conference.

SO ORDERED.

SIGNED this 26th day of September, 2001.


JOHN HANNAH, JR.
United States District Judge